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7 Attorney for Luis Ortega

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9 **UNITED STATES DISTRICT COURT**
10 **DISTRICT OF NEVADA**

11 UNITED STATES OF AMERICA,
12 Plaintiff,
13 v.
14 LUIS ORTEGA,
15 Defendant.

Case No. 2:22-MJ-00388-NJK-1

**STIPULATION TO CONTINUE
PRELIMINARY HEARING**
(Second Request)

16
17 IT IS HEREBY STIPULATED AND AGREED, by and between Jason M. Frierson,
18 United States Attorney, and Kimberly Sokolich, Assistant United States Attorney, counsel for
19 the United States of America, and Rene L. Valladares, Federal Public Defender, and
20 Aden Kebede, Assistant Federal Public Defender, counsel for Luis Ortega, that the Preliminary
21 Hearing currently scheduled on August 10, 2022 at 4:00 pm, be vacated and continued to a date
22 and time convenient to the Court, but no sooner than forty-five (45) days.

23 This Stipulation is entered into for the following reasons:

24 1. The parties are discussing a pre-indictment resolution that may resolve the
25 matter without a preliminary hearing. Defense counsel and defendant need additional time to
26 review the remaining discovery and discuss the proposed resolution.

1 2. This continuance is not sought for purposes of delay, but to allow defense
2 counsel an opportunity to review the discovery and proposed resolution with their client and
3 prepare for the preliminary hearing.

4 3. The defendant is detained and agrees to the continuance.

5 4. Both counsel for the defendant and counsel for the government agree to the
6 continuance.

7 5. Federal Rule of Criminal Procedure 5.1(d) provides that a magistrate judge may
8 extend the time limits in Rule 5.1(c) with the defendant's consent and upon a showing of good
9 cause taking into account the public interest in the prompt disposition of criminal cases.
10 Because the defendant requires time to review discovery with their client prior to the
11 preliminary hearing, good cause exists to extend the time limits in Rule 5.1(c).

12 6. The time from June 8, 2022, to the new preliminary hearing date will be
13 excludable under the Speedy Trial Act, Title 18, United States Code, Section 3161(h)(7)(A),
14 which provides that the Court may exclude time arising from a continuance upon finding that
15 the ends of justice served by granting the continuance outweigh the best interests of the
16 defendant and the public in a speedy trial.

17 7. Denial of this request could result in a miscarriage of justice, and the ends of
18 justice served by granting this request outweigh the best interest of the public and the defendants
19 in a speedy trial.

20 8. The additional time requested by this stipulation is excludable in computing the
21 time within which the indictment must be filed pursuant to the Speedy Trial Act, Title
22 18, United States Code, Section 3161(b), and considering the factors under Title 18, United
23 States Code, Section 3161(h)(7)(A) and (B)(i) and (iv).

1 This is the second request for continuance filed herein.

2 DATED this 5th day of August, 2022.

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4 RENE L. VALLADARES
Federal Public Defender

JASON M. FRIERSON
United States Attorney

5
6 */s/ Aden Kebede*
7 By _____
8 ADEN KEBEDE
Assistant Federal Public Defender

/s/ Kimberly Sokolich
By _____
KIMBERLY SOKOLICH
Assistant United States Attorney

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,
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7 Defendant.
8

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ORDER

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10 Based on the Stipulation of counsel and good cause appearing,

11 IT IS THEREFORE ORDERED that the Preliminary Hearing currently scheduled on
12 August 10, 2022 at the hour of 4:00 p.m., be vacated and continued to September 27, 2022,
13 at 4:00 p.m.

14 DATED: August 5, 2022.

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UNITED STATES MAGISTRATE JUDGE